

# HARVEY & BINNALL PLLC

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**Via Email Only**

Richard Pilger, Esquire  
Jonathan Kravis, Esquire  
United States Department of Justice  
Public Integrity Section  
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Washington, DC 20530  
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Re: *DOJ Press Release in U.S. v. Benton, et al.*

Gentlemen:

Yesterday the Department of Justice issued a press release regarding the indictment against Mr. Kesari and his co-defendants. That press release violated Local Rule LCrR 57(c) which limits the information that can be released to the public in a criminal case pending in the Southern District of Iowa. The Department should immediately remove the press release from its website in order to mitigate the damage already done to the defendants' right to a fair trial.

The release included quotes that were not included in the indictment in this case. The quotes were from Assistant Attorney General Caldwell and Special Agent in Charge LeValley and were filled with hyperbole. They were apparently aimed at influencing the jury pool and denying Mr. Kesari and his co-defendants their right to a fair trial. I was dismayed to see that the Des Moines Register, the largest publication in Iowa, ran those quotes during its coverage of the indictments. We cannot "unring the bell" and, consequently, we are evaluating our options regarding an appropriate motion to address the violation. In order to limit any further damage, however, please remove the

press release from the website and issue an appropriate retraction acknowledging that the release violated the Local Rules. Your prompt attention to this important matter would be appreciated.

Very truly yours,

Jesse R. Binnall



cc: Susannah Smith, Esquire  
Roscoe Howard, Esquire  
Meena Sinfelt, Esquire  
Laurin Mills, Esquire  
David A. Warrington, Esquire